UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,180	01/22/2002	Mark A. Felkey	WMA01004	9669

25537   7590   03/25/2008
VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON, VA 22201-2909

EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

NOTIFICATION DATE	DELIVERY MODE
03/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/051,180
Filing Date: January 22, 2002
Appellant(s): FELKEY ET AL.

Mark A. Felkey
Tyler J. West
Susan O. Diemer
Michael E. Marcelin
Diane L. Sabatini
Elaine S. Mason
David K. Braverman
Patricia A. Boyer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/13/2007 appealing from the Office action mailed

08/10/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,014,651	Crawford	01-2000
6,834,388	Elsbree	12-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-40 are rejected under 35 U.S.C. 103. This rejection is set forth in the previous

Office Action mailed on 08/10/2005 as shown below.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-40 are rejected under 35 U.S.C. 103(a) as being anticipated by Crawford,

Christopher M. (hereinafter Crawford), US 6,014,651 in view of Elsbree, Christopher N.

(hereinafter Elsbree), US 6,834,388.

3.   As per claim 1, Crawford teaches a system for providing software integration for on-line procurement of telecommunications offerings, comprising:

        a web tier configured to receive a request or a user action from a web server (Col. 27, lines 48-54); and

        an application tier coupled to the web tier and configured to perform order management, online ordering or user management functions (Col. 16, lines 57-65; Col. 46, lines 62-67; Col. 47, lines 1-14),

        wherein the web tier or the application tier includes software objects to support procurement of the telecommunications offerings on-line (Col. 16, lines 57-65; Col. 17, lines 1-5; Col. 18, lines 16-22; Col. 19, lines 9-17).

        Crawford does not teach a system for providing software integration for on-line procurement of telecommunications offerings, comprising:

        software objects from the general-purpose software objects to support procurement of the telecommunications offerings on-line and software objects created to support procuring of the telecommunications offerings online.

        Elsbree teaches a system for providing software integration for on-line procurement of telecommunications offerings, comprising:

        software objects from the general-purpose software objects to support procurement of the telecommunications offerings on-line and software objects created to support procuring of the telecommunications offerings online (Col. 6, lines 12-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Elsbree and Crawford because both deal with software integration for telecommunication services. Furthermore, the teachings of Elsbree to allow software objects from the general-purpose software objects to support procurement of the telecommunications offerings on-line and software objects created to support procuring of the telecommunications offerings online would improve the functionality of Crawford's system by allowing the objects to carry additional information for product collection and distribution.

4.   As per claim 2, Crawford teaches the system of claim 1, wherein the web tier includes reconfigured software objects that include reconfigured JavaServer Pages (JSPs), reconfigured transition policies, or reconfigured display objects (Col. 16, lines 57-65; Col. 17, lines 1-5; Col. 35, lines 24-34).

5.   As per claim 3, Crawford teaches the system of claim 1, wherein the web tier includes the custom software objects that include custom JavaServer Pages (JSPs), reconfigured transition policies, or reconfigured display objects (Col. 16, lines 57-65; Col. 17, lines 1-5; Col. 35, lines 24-34).

6.   As per claim 4, Crawford teaches the system of claim 1, wherein the application tier includes reconfigured software objects that include reconfigured JavaServer Pages (JSPs), reconfigured transition policies, or reconfigured display objects (Col. 16, lines 57-65; Col. 17, lines 1-5; Col. 35, lines 24-34).

7.   As per claim 5, Crawford teaches the system of claim 1, wherein the application tier includes the custom software objects that include custom JavaServer Pages (JSPs), custom transition policies, or custom display objects (Col. 16, lines 57-65; Col. 17, lines 1-5; Col. 35, lines 24-34).

8.   As per claim 6, Crawford teaches the system of claim 1, wherein the web tier includes a back office portal including the custom software objects and configured to provide to the web server context-sensitive contact information, callback forms, help center information, or requests for inventory (Col. 4, lines 48-59; Col. 69, lines 38-43, lines 49-53).

9.   As per claim 7, Crawford teaches the system of claim 1, wherein the web tier includes a customer portal including the software objects and configured to provide to the web server customer order information, customer support information, or customer order status information (Col. 28, lines 29-44; Col. 31, lines 60-62; Col. 69, lines 38-43, lines 44-48), wherein the extended software objects include software objects extended from software objects included in a generic architecture, extended to support ordering telecommunications services or products (Col. 71, line 33 – Col. 72, line 23).

        Crawford does not teach the system of claim 1, includes a customer portal including the extended software objects, wherein the extended software objects include software objects extended from software objects included in a generic architecture.

Elsbree teaches a system includes a customer portal including the extended software objects, wherein the extended software objects include software objects extended from software objects included in a generic architecture (Col. 6, lines 12-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Elsbree and Crawford because both deal with software integration for telecommunication services. Furthermore, the teachings of Elsbree to allow includes a customer portal including the extended software objects, wherein the extended software objects include software objects extended from software objects included in a generic architecture would improve the functionality of Crawford's system by allowing the objects to carry additional information for product collection and distribution.

10.   As per claim 8, Crawford teaches the system of claim 1, wherein the application tier includes and order management function for providing to the web tier the context-sensitive contact information, callback forms, help center information, or requests for inventory (Col. 4, lines 48-59; Col. 16, lines 57-65; Col. 46, lines 62-67; Col. 47, lines 1-14; Col. 69, lines 38-43, lines 49-53).

11.   As per claim 9, Crawford teaches the system of claim 1, wherein the application tier includes and online ordering function for providing online ordering functionality to the web tier (Col. 10, lines 13-16; Col. 16, lines 57-65; Col. 30, lines 34-47).

12.   As per claim 10, Crawford teaches the system of claim 1, wherein the application tier

includes a user management function for providing user management functionality to the web

tier (Col. 10, lines 5-8; Col. 16, lines 57-65; Col. 34, lines 25-28; Col. 46, lines 62-67; Col. 47,

lines 1-14).

13.   As per claim 11, Crawford teaches the system of claim 1, further comprising a database

tier couple to the web tier or application tier and configured to persist data, store objects or store

tables (Col. 3, lines 29-31; Col. 8, lines 24-27, lines 55-60; Col. 10, lines 1-4).

14.   As per claim 12, Crawford teaches the system of claim 11, wherein at least one of the

web tier and the application tier is configured to generate custom tables to extend a schema of

tables (Col. 22, lines 9-19; Col. 35, lines 26-31; Col. 36, lines 38-41; Col. 39, lines 14-16).

15.   As per claim 13, Crawford teaches the system of claim 12, wherein at least one of the

web tier and the application tier are configured to map the custom tables to he extended software

objects or the custom software objects (Col. 21, lines 55-62).

16.   As per claim 14, Crawford teaches the system of claim 1, wherein the software objects or

the custom software objects belong to an order domain configured to support and order class

(Col. 2, lines 7-9, 63-67; Col. 3, lines 1-4).

17.   As per claim 15, Crawford teaches the system of claim 1, wherein the extended software

objects or the custom software objects belong to a fulfillment status domain configured to

provide order fulfillment functionality (Col. 49, lines 24-29, lines 35-39; Col. 50, lines 50-56;

Col. 52, lines 12-16).

18.   As per claim 16, Crawford teaches the system of claim 1, wherein the extended software

objects or the custom software objects belong to a move, change or disconnect domain

configured to store summary information of order entry and status applications (Col. 9, lines 40-

48; Col. 30, lines 16-20; Col. 46, lines 24-27).

19.   As per claim 17, Crawford teaches the system of claim 1, wherein the extended software

objects or the custom software objects belong to an order activity domain configured to carry out

business logic or application logic for order management events involving persistence,

transaction-sensitive data retrieval or specialized business logic (Col. 3, lines 4-7; Col. 4, lines

43-59; Col. 69, lines 38-43, lines 49-53).

20.   As per claim 18, Crawford teaches the system of claim 1, wherein the extended software

objects or the custom software objects belong to a helpers domain configured to create domain

objects, perform specialized business logic or perform persistence of domain objects (Col. 2,

lines 7-9, 63-67; Col. 3, lines 1-7; Col. 4, lines 43-59; Col. 10, lines 13-16; Col. 18, lines 29-34;

Col. 69, lines 38-43, lines 49-53).

21.   As per claim 19, Crawford teaches the system of claim 1, wherein the extended software

objects or the custom software objects belong to a customer support domain configured to

provide storage for information needed to retrieve an appropriate set of contact information for

back office personnel (Col. 2, lines 63-67; Col. 3, lines 1-4, lines 29-31; Col. 4, lines 48-59; Col.

8, lines 24-27, lines 55-60; Col. 10, lines 1-4; Col. 69, lines 38-43, lines 49-53).

22.   Claims 20-38 do not teach or define any new limitations above claims 1-19 and therefore

are rejected for similar reasons.

23.   As per claim 39, Crawford teaches a computer-readable medium storing computer-

executable instructions for performing the steps recited in claim 20 (Col. 8, lines 41-43; Col. 33,

lines 40-45).

24.   Claim 40 does not teach or define any new limitations above claim 20 and therefore is

rejected for similar reasons.

(10) Response to Argument

1.   As per argument I, Appeal Brief, page 8, Appellant's argued that (1) Crawford makes no

suggestion of any "web tier" as recited in claim 1.

2.   As to point (1), according to Appellant's disclosure, a web tier or first layer is responsible

for receiving a request or a user action and delivering web contents to the client machines [

paragraph 0047]. So the question, as broadly and reasonably interpreted, does Crawford

disclose a web tier or first layer, i.e. a function that is responsible for receiving a request or user

action and delivering web contents to the client machines? And Examiner finds it does.

Specifically in this case, Crawford provides a general art discussion of using a LAN to share

information, wherein the user's computer sends an electronic request for the document over the

LAN, the file server receives the request, processes it, and sends the requested document over the

network to the user's computer [i.e. a function that is responsible for receiving a request or user

action and delivering web contents to the client machines] [col 4, lines 47-55]. In addition, the

system of Crawford discloses an on-line service system that provides various capabilities to the

customer computer that include software and computing services [Figure 2; and col 14, lines 43-

col 15, lines 62], the on-line system includes at least one replica computer that connected to a

host computer and also capable connecting directly to customer computer, wherein the replica

computer is used for communicating interactively with customer computer and facilitating

customer access to host computer [i.e. a web tier or first layer that performs the function of

receiving user request and delivering web content to client machines] [Figure 4; and col 17,

lines 6-col 18, lines 5]. Therefore, the prior art clearly disclose a "web tier", and as such renders

Appellant's claimed language as written, unpatentable over the prior art of record.

3.   As per argument I, Appeal Brief, page 9, Appellant's argued that (2) Crawford makes no

suggestion of any "application tier coupled to the web tier" as recited in claim 1.

4.   As to point (2), according to Appellant's disclosure, application tier or second layer

coupled to the web tier or the first layer and configured to perform order management, online

ordering or user management functions [Abstract; and paragraphs 0046 and 0050]. So the

question, as broadly and reasonably interpreted, does Crawford disclose an application tier

coupled to the web tier and configured to perform **at least one of** order management, online

ordering and user management functions? And Examiner finds it does. Specifically in this case,

Crawford discloses the on-line system includes at least one replica computer [i.e. web tier as

shown in point (1) above] that connects to a host computer [i.e. application tier coupled to the

web tier as claimed] [Figures 6A-6E; and col 25, lines 12-col 26, lines 44]. Furthermore,

Crawford discloses various functions that are performed by the host computer when request is

received including logs information for billing and security purposes, keeping track of beginning

and ending times of access, allocating the appropriate virtual disks containing the software

needed to satisfy the purchase request [i.e. configure to perform order management or online

ordering] [Figure 8A; col 29, lines 66-col 31, lines 10; and col 75, lines 65-67]. Therefore, the

prior art clearly disclose the claimed limitation, and as such renders Appellant's claimed

language as written, unpatentable over the prior art of record.

5.   In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Crawford clearly disclose "web tier" and "application tier" as discussed above (point

(1) and (2)), furthermore, Crawford discloses the web tier or the application tier includes

software objects to support procurement of the telecommunication offerings on-line [i.e.

software for user to request rent, purchase, update a particular program or data from an online

service system] [Figure 2; Abstract; col 14, lines 43-col 15, lines 63; and col 29, lines 66-col

31, lines 10]. Crawford does not specifically disclose that software object is extended from

general-purpose software object and custom software objects created to support procuring of the

telecommunications offerings on-line. However, in the same field of endeavor, Elsbree discloses

that software object is extended from general software object [i.e. addition properties and

method for object] [col 6, lines 12-39; and col 18, lines 64-col 19, lines 33] and custom

software object created to support procuring of the telecommunication offering on-line [i.e. user

custom data or new class] [col 19, lines 66-col 20, lines 2; and col 25, lines 26-44]. It would

have bee obvious to a person skill in the art at the time the invention was made to combine the

teaching of Crawford and Elsbree because the teaching of Elsbree on custom data and new class

would enable to create one or more real-time interaction control and communication software

objects for use in connection with a computer and a machine which communicate according to a standard communication protocol for process control [Elsbree, col 2, lines 8-12].

6.   As per Argument II, Appeal Brief, pages 14 and 15, Appellant's argued that (3) Crawford fails to disclose reconfigured software objects that include reconfigure JavaServer Pages (JSPs), reconfigured transition policies, or reconfigured display objects as recited in claims 2 and 4.

7.   As to point (3), the question is, as broadly and reasonably interpreted, does Crawford disclose reconfigured software objects that include **at least one of** reconfigure JavaServer Pages (JSPs), reconfigured transition policies, and reconfigured display objects? And Examiner finds it does. Specifically, Crawford discloses a routine for prompt the user to determine whether the user wishes to review and/or change the default setting configuration [i.e. reconfigured software objects that include reconfigured transition policies or reconfigured display objects as claimed] [Figure 11; col 32, lines 55-57; and col 35, lines 21-55]. Therefore, the prior art clearly disclose the claimed limitation, and as such renders Appellant's claimed language as written, unpatentable over the prior art of record.

8.   As per Argument II, Appeal Brief, pages 16 and 17, Appellant's argued that (4) Crawford fails to disclose the custom software objects that include custom JavaServer Pages (JSPs), custom transition policies, or custom display objects as recited in claims 3 and 5.

9.   As to point (4), the question is, as broadly and reasonably interpreted, does Crawford

disclose the custom software objects that include **at least one of** JavaServer Pages (JSPs),

custom transition policies, and custom display objects? And Examiner finds it does.

Specifically, Crawford discloses access the control program to display and change service

options and configuration data [i.e. custom software objects that include custom transition

policies or custom display objects] [col 32, lines 55-57; col 36, lines 37-49; and col 68, lines

35-39]. Therefore, the prior art clearly disclose the claimed limitation, and as such renders

Appellant's claimed language as written, unpatentable over the prior art of record.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Dustin Nguyen/

Primary Examiner, Art Unit 2154

Conferees:

Nathan Flynn

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151